THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.337 OF 2006

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ORAL ORDER:

This Writ Petition is filed seeking a declaration that the action of the respondents in not referring the meter dispute to the chief Electrical Inspector, Government of Andhra Pradesh is arbitrary, illegal and contrary to Section 26 of the Indian Electricity Act, 1910.

Under the impugned notice dated 20.03.2003, the petitioner was directed to pay a sum of Rs.35,850/- for the period from 14.04.1998 to 04.04..2000 towards the value of unrecorded consumption charges due to non-functioning of the meter. The contention of the petition is that the said notice issued by the 3rd respondent-Divisional Engineer, invoking the powers under Condition No.22.3.3.3 of the Terms and conditions of Supply is unsustainable, the same being contrary to Section 26(6) of the Indian Electricity Act. It is stated that the 3rd respondent ought to have referred the meter dispute to the Chief Electrical Inspector, since the same relates to the period prior to the commencement of the Act 35 of 2000.

Learned counsel for the petitioner relied upon the decision of a Full Bench of this Court in **Klayman Procelains Ltd. V. Superintending Engineer** (2001 (5) ALT 274 (FB), wherein it was held that under Section 26(6) of the Indian Electricity Act, 1910, Chief Electrical Inspector is the only statutory authority to decide the dispute about the correctness of the meter. There is no dispute about the fact that Act 35 of 2000 has come into force with effect from 31.07.2000. Hence, the disputed consumption recorded during the period prior to 31.07.2000 is required to be adjudicated upon by the Chief Electrical Inspector.

Accordingly, following the decision of the Full Bench in **Klayman Procelains** case, the impugned notice dated 20.03.2003 is set aside and the respondents are directed to refer the dispute to the Chief

Electrical Inspector as per Section 26(6) of the Indian Electricity Act, 1910, within a period of six weeks from the date of receipt of a copy of this order. The Chief Electrical Inspector shall entertain and adjudicate upon the dispute and pass appropriate orders in accordance with law within eight weeks thereafter. Till such time, there shall be a direction to the respondents not to disconnect the power supply to the petitioner-Mill.

The Writ Petition is accordingly disposed of. No costs.

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(G. ROHINI, J.)

24th March, 2006.

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THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.337 OF 2006

24th March, 2006.

Between:

M/s Bismilla Rice & Flour Mill,
represented by its proprietor Shaik Khasim,
S.C.No.76, CAT-III, Madugula (v),
Gurazala Mandal, Guntur District. .. Petitioner.

And

Transmission Corporation of A.P. Limited
(A.P. TRANSCO), representd by its
Chief Managing director, Vidyut Soudha,
Khairatabad, Hyderabad and two others. .. Respondents.